



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

1011 E. Tudor Rd.

Anchorage, Alaska 99503-6199

AFES/MMM

DEC 27 2006

Mr. James Winegarner  
Vice President, Land & External Affairs  
Brooks Range Petroleum Corporation  
1400 West Benson Blvd., Suite 510  
Anchorage, Alaska 99503

Dear Mr. Winegarner:

This responds to the letter Brooks Range Petroleum Corporation (BRPC) submitted to the U.S. Fish and Wildlife Service (USFWS) dated December 11, 2006, requesting a Letter of Authorization (LOA) for the incidental and intentional take of polar bears for the Sak River Exploration Program.

Enclosed is a LOA (06-17) that would allow BRPC to take small numbers of polar bears incidental to oil and gas industry exploration activities at the above location identified in your LOA request. The proposed start date for this project is December 2006. The Sak River Exploration Program includes:

1. construction of two exploration pads; the construction of an ice road (approximately 6 miles) to support exploration activities, and
2. the mobilization, drilling, and demobilization of a drilling rig to support exploration activities.

These activities are discussed in detail in the, "Plan of Operations; Sak River Exploration Program," dated November 15, 2006. If any changes develop in your project during the 2006-07 winter season, such as activities or location, please notify the Marine Mammals Management Office prior to the planned operation. This would allow us to evaluate the activity and, if appropriate, amend your LOA.

In addition, this letter includes a harassment authorization, where BRPC and its representatives are granted authorization to take polar bears by harassment (deterrent activities) for the protection of both human life and polar bears while conducting activities in polar bear habitat in all portions of the Sak River Exploration Program. This authorization is issued specifically to BRPC employees who are responsible for ensuring that trained and qualified personnel are assigned the task to harass (deter) polar bears. It is the responsibility of BRPC personnel to

report all polar bear harassment events to our Marine Mammals Management Office within 24 hours. This authorization is effective for the period, date of issuance to December 31, 2007. Intentional take is authorized under sections 109(h) and 112(c) of the Marine Mammal Protection Act.

The USFWS believes that protection measures for polar bears described in BRPC's "Polar Bear Interaction Plan; Sak River Exploration Program," dated December 7, 2006, are appropriate safeguards to limit human/animal interactions. BRPC field camps and personnel can limit encounters of polar bears by being observant of approaching animals (i.e., the use of polar bear guards) and breaking off interactions, if practicable, by allowing the animals to continue their travel.

If a polar bear interaction escalates into a life threatening situation, Section 101(c) of the MMPA allows, without specific authorization, the take (including lethal take) of a polar bear if such taking is imminently necessary in self-defense or to save the life of a person in immediate danger, and such taking is reported to the USFWS, Marine Mammal Management Office within 24 hours.

Historical polar bear denning activity reveals that some creek cutbanks and river bluffs provide suitable denning habitat for polar bears, especially in and around the larger, braided rivers, such as the Kuparuk River delta. Disturbance during denning could lead to abandonment of dens and possible mortality to cubs. The USFWS seeks to limit disturbance to maternal polar bear den sites, both known dens and those areas that could possibly be preferred by denning polar bears. With this in mind, use caution when operating near these areas during the maternal denning period (mid November to mid April). Furthermore, BRPC will provide copies of the polar bear observation form to all BRPC contractors operating under the LOA. Report any polar bear sightings, signs to this office by phone, FAX, or email using the polar bear observation form. Report any possible den locations that are found during work activities immediately to our office.

Polar bear conservation has benefited from monitoring programs associated with the Incidental Take Program since 1993. Monitoring serves to assess the effect of industrial activities on polar bears by evaluating trends and effects of bear encounter rates, take frequency, as well as the location and timing of encounters. In addition, USFWS biologists are available for consultation if questions or concerns arise during the project period at the phone numbers listed below and noted in your interaction plan.

Mr. James Winegarner

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This authorization is issued in accordance with our regulations listed at 71 FR 43926, dated August 2, 2006. Please review these regulations. Should you have any further questions contact Mr. Craig Perham of our Marine Mammals Management Office at (907) 786-3800 or 786-3810.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosa Meehan", with a long horizontal flourish extending to the right.

Rosa Meehan, Ph.D.  
Chief, Marine Mammals Management

Enclosure

cc: Mr. Richard Shideler, ADF&G  
LE  
FFWFO



MMM

ISSUED: December 15, 2006

EXPIRES: June 30, 2007

## **LETTER OF AUTHORIZATION (06-17)**


Brooks Range Petroleum Corporation (BRPC) is hereby authorized to take small numbers of polar bears incidental to activities occurring during the Sak River Exploration Program. This includes, but is not limited to, all activities associated with the Sak River Exploration Program, such as construction of two exploration pads; the construction of an ice road (approximately 6 miles) to support exploration activities, and the mobilization, drilling, and demobilization of a drilling rig to support exploration activities. These activities are discussed in detail in the, "Plan of Operations; Sak River Exploration Program," dated November 15, 2006.

The LOA is valid from the date of issuance to June 30, 2007, or the close of tundra travel for the winter season of 2006-07, whichever comes first. This authorization and the required conditions below include contractors of BRPC performing BRPC-approved work under the scope of operations to be conducted. Authorization is subject to the following conditions:

1. The "Polar Bear Interaction Plan; Sak River Exploration Program," dated December 7, 2006, is approved and all provisions, unless specifically noted otherwise, are incorporated into this Letter of Authorization by reference. A copy of this polar bear interaction plan must be available on site for all personnel.
2. BRPC Operations Managers, or their designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. Intentional take is prohibited under this authorization.
4. This authorization is valid only for those activities identified in the request for a Letter of Authorization dated December 11, 2006.
5. Polar bear monitoring, reporting, and survey activities must be conducted in accordance with 50 CFR section 18.128. In addition, BRPC must comply with the following monitoring, mitigation, and reporting requirements:

- BRPC must cooperate with the Fish and Wildlife Service (USFWS), and other designated Federal, State, or local agencies to monitor the impacts of oil and gas exploration activities on polar bears;
- A den detection survey, such as a FLIR survey, to detect possible denning polar bears in the Sak River Exploration Program area, will be conducted in the effort to minimize disturbance to denning bears. The survey will include the ice road approaches to the site and the exploration site. The survey will be conducted prior to the initiation of activities at the Sak River Exploration Program, or as per USFWS instructions.
- BRPC must not conduct activities that operate nor pass within 1 mile of known polar bear dens, and all observed dens must be reported to the Marine Mammals Management Office, Fish and Wildlife Service immediately. Should occupied dens be identified within one mile of activities, work in the immediate area will cease and USFWS must be contacted for guidance. The USFWS will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential actions may range from cessation or modification of work to conducting additional monitoring, and BRPC must comply with any additional measures specified.
- BRPC must designate a qualified individual or individuals to observe, record, and report the effects of the activity on polar bears to the USFWS within 24 hours of visual observation;
- at the discretion of the Fish and Wildlife Service, BRPC must allow the Fish and Wildlife Service to place an observer on the site to monitor the impacts of the activity on polar bears;
- BRPC must submit an annual monitoring report to the Marine Mammals Management Office as required under 18 CFR 18.128(f), which will be received by September 30, 2007.

6. This authorization expires June 30, 2007 or the close of tundra travel for the winter season of 2006-07, whichever comes first.

  
 Chief, Marine Mammals Management

DEC 27 2006  
 Date

AFES/MMM

ISSUED: December 15, 2006  
EXPIRES: December 31, 2007

## **U.S. Fish and Wildlife Service**

### **AUTHORIZATION TO TAKE, BY HARASSMENT, POLAR BEARS**

Under Sections 109(h) and 112(c) of the Marine Mammal Protection Act of 1972, as amended, Brooks Range Petroleum Corporation (BRPC) is authorized to take, by harassment, polar bears during exploration activities in association with the Sak River Exploration Program.

The purpose of authorizing taking by harassment, or deterrence, is to maintain human and bear safety and welfare in the North Slope oilfields. Authorizing Level B harassment take reduces the likelihood of death or injury of polar bears. This is accomplished by the following objectives:

1. Prevent bears from associating food with humans and facilities
2. "Train" bears to avoid people
3. Allow bears to use travel routes (natural and man-made) to move along the coast
4. Prevent extended use of areas around facilities by bears
5. Prevent bears from entering the developed parts of the oilfield

Harassment authorization is subject to the following conditions:

1. The polar bear interaction plan ("Polar Bear Interaction Plan; Sak River Exploration Program," dated December 7, 2006) is approved and all provisions, unless noted specifically, are incorporated into this Letter of Authorization by reference. A copy of the polar bear interaction plan must be available on site for all personnel.
2. BRPC Operations Managers, or their designates, must be fully aware, understand, and capable of implementing the conditions of this authorization.
3. This authorization is restricted to harassment activities.

4. Authorized individuals are responsible for documenting and reporting to the U.S. Fish and Wildlife Service, Marine Mammals Management Office, (907) 786-3800, all instances involving harassment activities as soon as possible and not later than 24 hours after the occurrence.
5. Activities will not operate nor pass within 1 mile of known polar bear dens, and all observed dens will be reported to the Marine Mammals Management Office, Fish and Wildlife Service immediately. Should occupied dens be identified within one mile of activities, work in the immediate area will cease and Service will be contacted for guidance. The USFWS will evaluate these instances on a case-by-case basis to determine the appropriate action. Potential responses may range from cessation or modification of work to conducting additional monitoring.
6. A final report of all encounters and hazing events must be submitted to the U.S. Fish and Wildlife Service, Marine Mammals Management Office within 60 days from the expiration date of this authorization.
7. Hazing techniques must not cause the injury or death of a bear. Types of hazing techniques may include, but are not limited to:
  - Bear Monitors
  - Air horns
  - Electric fences
  - Chemical repellents
  - Acoustic recordings
  - Vehicles
  - Projectiles: cracker shells, bean bags, rubber bullets, screamers, etc.
8. Prior to conducting a harassment activity, operators must:
  - Reduce/eliminate attractants
  - Secure site; notify supervisor; move personnel to safety
  - Ensure bear has escape route(s)
  - Ensure communication with all personnel
9. When conducting a harassment activity, operators must:
  - Chose the method that will have the least effect on the bear and increase the intensity of the method or use additional methods only if necessary
  - Shout at the bear before using projectile (avoidance conditioning)
  - Move bear in proper direction; continue with minimally necessary deterrents to receive desired result

10. After a harassment event has occurred, operators must:

- Monitor bear movement (to ensure no return)
- Notify supervisor and personnel to resume work
- Fill out report to be sent to the Service as required under condition 4 (within 24 hours)

11. This Authorization is valid for the period indicated on this authorization, unless extended or terminated in writing by the U.S. Fish and Wildlife Service, Marine Mammals Management Office.

Signed: \_\_\_\_\_

*Rose M. A.*

Date: \_\_\_\_\_

DEC 27 2006

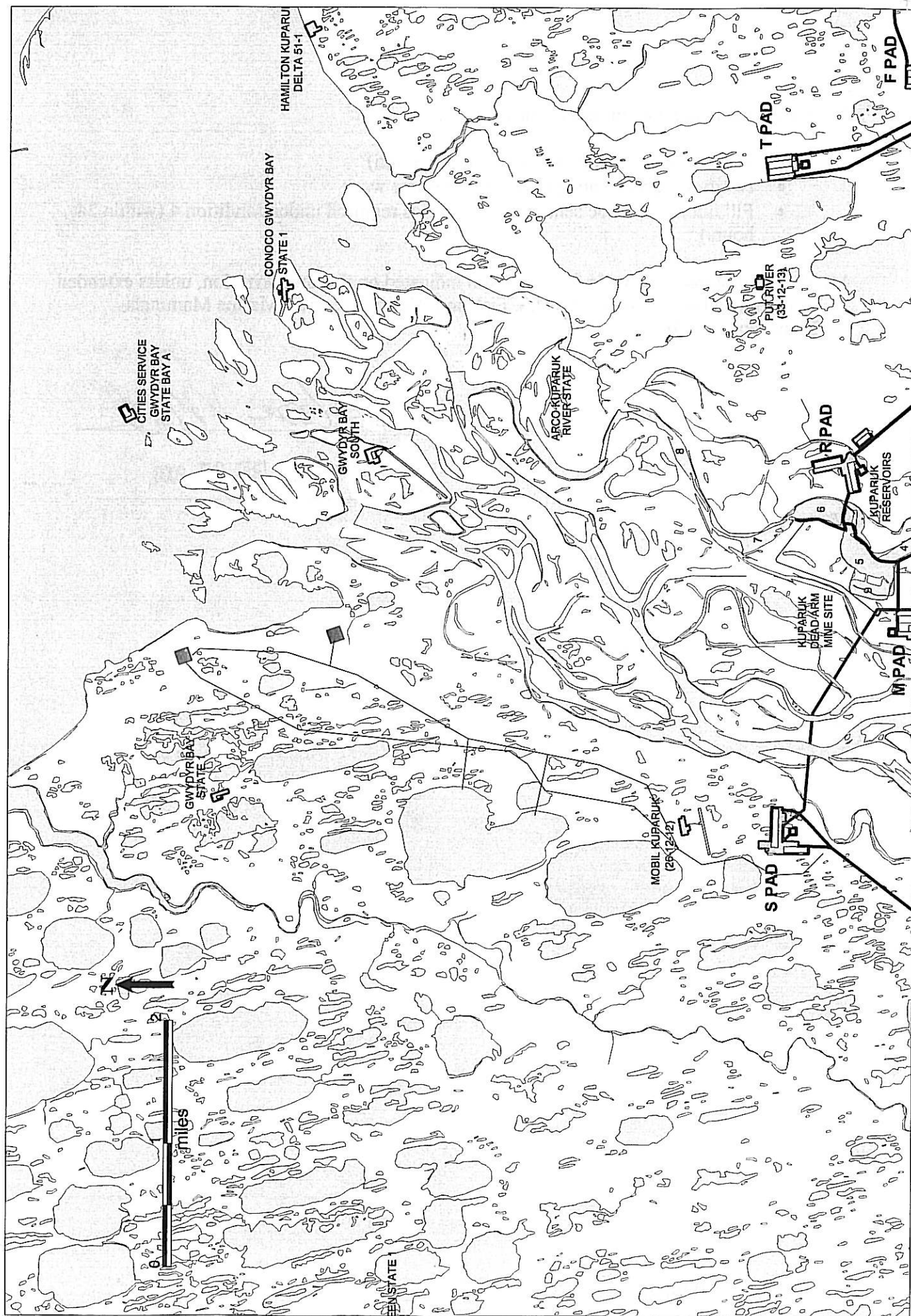


Figure 1. Red indicates potential polar bear denning habitat.